

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Consumer Vehicle Driving Data
Tracking Collection

No. 1:24-MD-3115-TWT

**THE BEVIS-SIEGEL GROUP'S APPLICATION FOR LEADERSHIP
APPOINTMENTS**

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Pursuant to this Court’s Case Management Order (“CMO”) No. 1 (Doc. 27 at 3 ¶ 3), undersigned counsel respectfully seek appointment of the following leadership team (collectively, the “Bevis-Siegel Group”):

MDL Co-Lead Counsel:

John R. Bevis, *The Barnes Law Group, LLC*
Norman E. Siegel, *Stueve Siegel Hanson LLP*

OnStar Track Co-Lead Counsel:

Bryan L. Clobes, *Cafferty Clobes Meriwether & Sprengel LLP*
Amy E. Keller, *DiCello Levitt LLP*

LNRS/Verisk Track Co-Lead Counsel:

Joseph P. Guglielmo, *Scott+Scott Attorneys at Law LLP*
Sabita J. Soneji, *Tycko & Zavareei LLP*

OnStar Track Steering Committee:

Kiley L. Grombacher, *Bradley/Grombacher LLP*
Emily E. Hughes, *The Miller Law Firm, P.C.*
Thomas E. Loeser, *Cotchett, Pitre & McCarthy LLP*
P. Graham Maiden, *Motley Rice LLC*
Adam E. Polk, *Girard Sharp LLP*
John A. Yanchunis, *Morgan & Morgan Complex Litigation Group*

LNRS/Verisk Track Steering Committee:

Gayle M. Blatt, *Casey Gerry Schenk Francavilla Blatt & Penfield, LLP*
Stuart A. Davidson, *Robbins Geller Rudman & Dowd LLP*
Jennifer M. French, *Lynch Carpenter, LLP*
Gary S. Graifman, *Kantrowitz, Goldhamer & Graifman, P.C.*
Jeffrey M. Ostrow, *Kopelowitz Ostrow P.A.*
Chris Springer, *Keller Rohrbach LLP*

Plaintiffs’ Liaison Counsel:

M. Brandon Smith, *Childers, Schlueter & Smith, LLC*

The Bevis-Siegel Group developed the proposed leadership structure cooperatively and voluntarily, through scores of personal meetings, teleconferences,

and correspondence over the last six weeks. This voluntary coordination demonstrates that this group is well-suited to lead this important national MDL, and enjoys the support of the vast majority of Plaintiffs that have filed cases in this centralized action.¹ This proposal reflects a diversified slate of committed lawyers that: (1) have a proven track record of working cooperatively among themselves and with defense counsel in class action and multi-district proceedings, and have worked together diligently to develop a coherent leadership proposal that will prosecute this MDL efficiently and effectively; (2) include leadership from nearly all of the major data breach and privacy cases, including *Equifax*, *Home Depot*, *Capital One*, *Anthem*, *Target*, *Yahoo*, *Facebook Location Tracking*, and *Facebook Cambridge Analytica*; (3) include leadership that have regularly litigated against the largest auto manufacturers in the world, including GM; (4) include leadership that have litigated against credit reporting agencies under the Fair Credit Reporting Act alleging the same claims at issue in this case; (5) have the skillset, resources, and experience mandated by Rule 23(g) to vigorously prosecute this action; and (6) are willing and able to commit ample resources to staff and finance the prosecution of this action over a period of years. In sum, the proposed designated lawyers are well-qualified

¹ Although the undersigned understand that one or more additional applications may be filed seeking to be added to the proposed Bevis-Siegel slate, there is no known opposition to this Application at the time of filing.

and committed to working together to achieve a favorable result on behalf of the plaintiffs in this litigation. Given the depth of data privacy experience, diversity, and cooperative nature of the work already undertaken, the Bevis-Siegel Group is supported by all or nearly all of Plaintiffs' counsel in this case and presents the right choice to lead this action.

A proposed order regarding the role of leadership counsel in the litigation and providing for clear lines of responsibility for work as reflected in CMO No. 1 (Doc. 27 at 3 ¶ 3(b)), is attached as **Exhibit A**; a proposed Time and Expense Protocol is attached as **Exhibit A-1**; and firm resumes for the proposed appointees are attached as **Exhibits B-1 to B-19**.

ARGUMENT

I. Standard for Appointment of Leadership.

Pursuant to CMO No. 1, this Court has established the following criteria for leadership appointments: “(1) willingness and ability to commit to a time-consuming process; (2) ability to work cooperatively with others; (3) professional experience in this type of litigation; and (4) access to sufficient resources to advance the litigation in a timely manner.” Doc. 27 at 3 ¶ 3(b). This Court also considers the Rule 23(g) criteria, including: (1) the work counsel has done in identifying or investigating potential claims in the action; (2) counsel's experience with complex litigation and the types of claims asserted in the action; (3) counsel's knowledge of the applicable

law; and (4) the resources that counsel will commit to representing the class. *Id.*; Fed. R. Civ. P. 23(g)(1)(A)(i-iv). Each factor strongly supports the proposed leadership appointments.

II. The Bevis-Siegel Group is Prepared to Efficiently and Cooperatively Manage The MDL.

The Bevis-Siegel Group has already organized itself to most effectively use its members' collective talents to enhance the efficient prosecution and management of the litigation. Members of the Bevis-Siegel Group have been actively litigating this case since Defendants' data collection practices were first exposed, including researching, investigating, retaining experts, and drafting highly detailed and comprehensive complaints that reflect the care and commitment these plaintiffs and their counsel have devoted, and will continue to devote, to this litigation. As such, the Group is familiar with the legal and factual issues that are likely to arise in this case, and the Group is prepared to execute on the deadlines and expectations set by this Court's CMO. *See* Doc. 27 at ¶¶ 4, 9-14.

Cognizant of the Court's efficiency concerns, the Group has prepared protocols to ensure that the litigation is pursued efficiently, without unnecessary effort and duplication, and in a manner that can be best supervised by the Court. This includes adopting a Time and Expense Protocol to govern time keeping, monthly submission of time records, quarterly reports to the Court, and other administrative tasks. *See Exhibit A-1*. These protocols are based on those developed by Group

members and used by the Court in the *Home Depot* and *Equifax* cases and will ensure efficient workflow and accountability for all work performed at the direction of MDL Co-Lead Counsel.

III. The Bevis-Siegel Group Will Commit the Resources Needed to Represent the Class, Coordinate Efforts Among Counsel, and Ensure the Effective Resolution of this Litigation.

The Bevis-Siegel Group has the resources necessary to finance a case of this magnitude, as they have shown by prosecuting many materially similar cases in the past. The Group’s law firms are responsible for achieving some of the largest class action recoveries in some of the most complex, document-intensive, and high-profile class actions ever, including the largest data breach and privacy cases litigated to date. Moreover, while each firm is committed to expending whatever resources are necessary to achieve a favorable result for the class, all counsel are cognizant of the need to control costs, have diligently done so in other complex litigation they have led, and will do so here. *See* Manual for Complex Litigation (Fourth) § 10.221 (“The most important” factor in appointing leadership “is achieving efficiency and economy without jeopardizing fairness to the parties.”).

IV. The Bevis-Siegel Group Has Significant Expertise in Successfully Litigating Complex Cases, Has Superior Knowledge of the Applicable Law, and Comprises Attorneys from Diverse Backgrounds with Complimentary Skill Sets.

The Bevis-Siegel Group brings together some of the nation’s most respected class action attorneys, who have led some of the largest and most complex data

privacy cases and automotive cases in history. All members of the Bevis-Siegel Group are admitted to practice and in good standing in at least one United States District Court and are thus admitted *pro hac vice* in this litigation, pursuant to CMO No. 1 (Doc. 27 at 6 ¶ 7).

Diversity across gender, race, age, and geographical dispersion is reflected both in the named applicants referenced below, and the members of the applicant's law firms designated to work on this case. Thus, in accordance with CMO No. 1, and within the framework of Rule 23(g), the qualifications of the Bevis-Siegel Group are summarized below and in the attached firm resumes (**Exhibits B-1 to B-19**).

A. Proposed MDL Co-Lead Counsel

1. John R. Bevis, *The Barnes Law Group, LLC* (Ex. B-1)

John R. Bevis is a military veteran, trial lawyer and partner at the Barnes Law Group, LLC. He is a member of the Georgia and Florida bars and has practiced law for nearly 30 years. Mr. Bevis is peer-rated "AV Preeminent" by Martindale Hubble for Litigation, Class Actions and Personal Injury cases and has been selected as a Georgia Super Lawyer and Top 100 Trial Lawyer, contributing to Barnes Law Group's selection as U.S. News "Best Law Firm" ranking for Mass Torts and Class Action Litigation. Mr. Bevis currently serves as the Specially Appointed Attorney General for State of Georgia's Opioid Litigation and previously served as the Deputy Consumers' Insurance Advocate for the State of Georgia.

Mr. Bevis has worked on a variety of large complex consumer, wrongful death and catastrophic injury cases and has been approved as class counsel in most of the class actions referenced in the resume of the Barnes Law Group. His legal work in the data breach arena includes matters such as *In Re Equifax, Inc., Customer Data Security Breach Litigation MDL*, *In Re Home Depot Data Breach Litigation MDL*, and *In Re: Arby's Restaurant Group, Inc. Data Security Litigation*, all of which required close collaboration and coordination with other counsel. Mr. Bevis's legal work has restored lives and secured hundreds of millions of dollars for the consumers he represents.

2. Norman E. Siegel, *Stueve Siegel Hanson LLP* (Ex. B-2)

Norman E. Siegel is a founding partner of Stueve Siegel Hanson LLP, a diverse 30-lawyer firm in Kansas City, which has been at the vanguard of the development of privacy and data breach law. Twice in the last five years, Stueve Siegel Hanson was selected by Law360 as its Cybersecurity & Privacy Group of the Year. Mr. Siegel has been named among Law360's "MVPs of the Year" in the field of Cybersecurity and Privacy Law, and he is the founding co-chair of the American Association for Justice's Consumer Privacy and Data Breach litigation group.

Over the last decade, Mr. Siegel has successfully led several of the largest consumer data breach cases on record, including *Equifax*, *Capital One*, *T-Mobile*, and *Home Depot*, and has managed those cases efficiently and effectively to reach

successful resolutions in each. The firm also has extensive experience in the privacy field, including a recent groundbreaking settlement in *Lundy v. Meta Platforms*, which successfully addressed Facebook’s clandestine collection of location data from users. In addition, Mr. Siegel has experience in key cases against credit reporting agencies, including securing a victory in the Ninth Circuit in *Reyes v. Experian*, which addressed the same provision of the FCRA at issue in this litigation.

In short, Mr. Siegel and the lawyers at Stueve Siegel Hanson have the relevant experience and demonstrated track record of success to serve as MDL Co-Lead Counsel of this case. He is committed to the efficient prosecution of this litigation, has an outstanding relationship with members of Plaintiffs leadership team and defense counsel, and looks forward to zealously representing the class consistent with this Court’s high expectations.

B. Proposed OnStar Track Co-Lead Counsel

1. Bryan L. Clobes, *Cafferty Clobes Meriwether & Sprengel LLP* (Ex. B-3)

Bryan Clobes is a senior partner at Cafferty Clobes Meriwether & Sprengel LLP (“Cafferty Clobes”), a national class action firm founded in 1992. Among other things, Mr. Clobes clerked for Federal Circuit Judge Arlin M. Adams and Federal District Judge Mitchell H. Cohen. Mr. Clobes later served as National Trial Counsel to the Commodity Futures Trading Commission in Washington, D.C., where he was responsible for investigating and prosecuting off-exchange fraud. Mr. Clobes has

been appointed and served as lead counsel in many of the firm's class cases covering all areas of the firm's practice, and is nationally recognized as an expert in all aspects of class action litigation. Mr. Clobes has authored briefs filed with the U.S. Supreme Court, served as a panelist for a wide variety of class action CLE programs, achieved and maintained the highest rating, AV Plus, from Martindale-Hubbell, and been named a "Super Lawyer" for over twenty years.

Mr. Clobes and the firm have substantial experience as lead counsel recovering tens of billions of dollars in national class cases including ones against big auto, and involving data breach and privacy. Some examples include *Skeen v. BMW of N. Amer., LLC*, (D.N.J.) (several models and years of defective Mini Cooper vehicles; national settlement extended warranty coverage and reimbursed repair and replacement costs); *In re General Motors Corp. Air Conditioning Marketing and Sales Practices Litig.*, (E.D. Mich.) (defective GM vehicles; case fully litigated through class certification and awaiting decision).

Last, as shown in the summary firm resume, and as it has done in hundreds of other national class cases in which it has served as lead or co-lead counsel, Cafferty Clobes is willing and able to commit ample attorney and financial resources to help staff and fund this litigation.

2. Amy E. Keller, *DiCello Levitt LLP* (Ex. B-4)

As Managing Partner of DiCello Levitt LLP's Chicago office, where she also chairs the firm's Privacy, Cybersecurity, and Technology litigation practice, Amy Keller primarily focuses her practice on data privacy litigation and consumer protection. Since founding DiCello Levitt's technology practice group, she has been appointed to lead seven, separate data privacy class actions, including an appointment by this Court. *In re Equifax, Inc. Customer Data Sec. Breach Litig.*, No. 17-md-02800, ECF No. 739-1 (N.D. Ga.). Ms. Keller will have the benefit of the significant resources of her firm and noteworthy automotive litigation and trial experience of her partners, who secured a \$102.6 million jury verdict against General Motors, one of the defendants in this case, in 2022. *Siqueiros, et al. v. General Motors LLC*, No. 3:16-cv-07244, ECF No. 566 (N.D. Cal.).

Individually, Ms. Keller is recognized as one of the top privacy lawyers in the country. In 2024, for a third year in a row, Chambers and Partners (which recognizes the leading lawyers across the world) ranked her as one of only twenty-six attorneys (and one of only three plaintiff's attorneys) in "Privacy and Data Security: Litigation." She is an elected member of the American Law Institute, has received honors and awards from a number of well-respected publications, and regularly works with judges, regulators, and the defense bar as a member of one of the Sedona Conference's advisory boards on data privacy and security.

C. Proposed LNRS/Verisk Track Co-Lead Counsel

1. Joseph P. Guglielmo, *Scott+Scott Attorneys at Law LLP* (Ex. B-5)

Joseph P. Guglielmo, a partner at Scott+Scott and the Chair of his firm's Consumer Practice Group, has been litigating high-profile consumer, data privacy, and other complex class actions for more than 25 years. Mr. Guglielmo currently serves as co-lead counsel in privacy class actions, such as *In re Google Assistant Privacy Litig.*, No. 5:19-cv-04286 (N.D. Cal.), where the court certified a nationwide consumer class, and *Lopez v. Apple, Inc.*, No. 3:19-cv-04577 (N.D. Cal.), representing consumers and their minor children. Mr. Guglielmo has previously been appointed to leadership positions in privacy and data breach class actions cases, including: *In re Equifax, Inc. Customer Data Security Breach Litig.*, No. 1:17-md-02800 (N.D. Ga.) (co-lead counsel on behalf of financial institution class; settlement valued at \$32.5 million); *In re The Home Depot, Inc., Customer Data Security Breach Litig.*, No. 1:14-md-02583 (N.D. Ga.) (same; \$27.25 million settlement); *In re TikTok, Inc., Consumer Privacy Litig.*, No. 1:20-cv-04699 (N.D. Ill.) (settlement counsel achieving \$92 million settlement for consumers); and *In Re: Zillow Group, Inc. Session Replay Software Litig.*, No. 2:22-cv-01282 (W.D. Wash.) (co-lead counsel representing consumers alleging privacy violations). As set forth in the firm resume, Mr. Guglielmo and his firm have the experience and resources necessary to

successfully litigate this action, are well-qualified to lead this action and obtain the best possible outcome on behalf of the Class.

2. Sabita J. Soneji, Tycko & Zavareei LLP (Ex. B-6)

Ms. Soneji is a partner in the California office of Tycko & Zavareei LLP and serves as the Chair of the firm's Privacy and Data Breach Group. She is a seasoned litigator with almost twenty-five years of experience in the public and private sectors. Ms. Soneji has successfully led complex class actions and multidistrict litigation, including in the consumer privacy and security areas. For example, in February 2024, as co-lead counsel, she secured final approval of a \$37.5 million settlement against Meta for tracking users' location without their consent. *Lundy v. Meta Platforms, Inc.*, No. 3:18-cv-6793 (N.D. Cal.). She also served on the Executive Committee in *In re T-Mobile Customer Data Security Breach Litigation*, No. 4:21-MD-03019-BCW (W.D. Mo.), which involved claims resulting from one of the largest data breaches in history. Outside data privacy, Ms. Soneji was appointed to leadership in *In re Juul Labs Inc., Marketing, Sales Practices, and Products Liability Litigation*, No. 19-md-02913-WHO (N.D. Cal.), in which she developed and prosecuted all RICO claims against a complicated web of corporate and individual defendants and prepared bellwether trials. She helped the class secure a \$300 million settlement resolving claims against JLI and Altria.

Ms. Soneji has (1) a willingness and ability to commit to the time-consuming nature of this case; (2) a history of working cooperatively and respectfully with other lead counsel including many in this case; and (3) experience overseeing data breach litigation of this magnitude. Ms. Soneji brings with her a tremendous team of data privacy lawyers from her firm. Tycko & Zavareei is well-established and has the financial resources, personnel, and expertise necessary to pursue a case of this magnitude.

D. Proposed OnStar Track Steering Committee

1. Kiley L. Grombacher, *Bradley/Grombacher LLP* (Ex. B-7)

Kiley Grombacher is a founding partner of Bradley/Grombacher LLP, a class action law firm, based in Southern California, with a diversified practice representing plaintiffs in privacy and cybersecurity cases, consumer and employee rights, as well as other practice areas. *See, e.g., In re Blackhawk Network Data Breach Litigation*, Case No. 22-cv-07084; *Min Woo Bae v. Pacific City Bank*, No. 21STC45922 (Superior Court, Los Angeles County). Her work on privacy and consumer protection cases earned her numerous awards and accolades including selection as a Southern California SuperLawyer by Super Lawyers each year from 2018-2024, and selections in 2023 as a Leading Commercial Litigator, Top Plaintiff Lawyer and Top Woman Lawyer by the Daily Journal. Ms. Grombacher and her firm are committed, without reservation, to seeing this action through. Ms.

Grombacher is willing to expend all necessary time and resources to litigate this case effectively.

2. Emily E. Hughes, *The Miller Law Firm, P.C.* (Ex. B-8)

Emily E. Hughes is an Executive Partner at The Miller Law Firm, P.C.—one of the premier litigation firms in the United States and Michigan’s leading class action firm. Ms. Hughes heads the Firm’s data-privacy practice and holds multiple appointments on nationwide data-privacy class actions, including one by this honorable Court: *Miller v. NextGen Healthcare, Inc.*, No. 23-cv-02043 (N.D. Ga.) (Plaintiffs’ Steering Committee). *See also In re: HealthEC LLC Data Breach Litig.*, No. 24-cv-00026 (D.N.J.) (Plaintiffs’ Steering Committee); and *In re: Perry Johnson & Assocs. Med. Transcription Data Sec. Breach Litig.*, No. 24-MD-3096 (E.D.N.Y.) (Additional Class Counsel). Located in the “Motor City,” Ms. Hughes is uniquely qualified to serve on the OnStar track; she has personally litigated multiple consumer class actions against GM, and is familiar with their technology and defense litigation strategy.

3. Thomas E. Loeser, *Cotchett, Pitre & McCarthy LLP* (Ex. B-9)

Tom Loeser, a CPM partner in its Seattle office, is a Martindale-Hubbell AV Preeminent Rated Super Lawyer and member of Law Dragon’s 500 Leading Lawyers in America and the National Trial Lawyers Top 100 Trial Lawyers. Mr. Loeser adds a hard-science background, and high-technology bona fides, to his 25

years of complex litigation experience. Mr. Loeser's prior technology career includes the authorship of code for the Treasury at Microsoft and a product analyst position at the Hewlett-Packard Company. Mr. Loeser was AUSA in Los Angeles, in the elite Cyber and Intellectual Property Crimes Section. This role entailed months of training in the investigation and prosecution of hacking, computer intrusion, malware, unauthorized surveillance and data breach cases. Mr. Loeser resolved hundreds of criminal cases—including federal hacking and IP theft cases—and brought over a dozen federal cases to trial and through appeal. With his prior firm, Mr. Loeser assisted in leadership of many of the largest vehicle-related class actions in history, including the \$17 billion Volkswagen "Dieselgate" case and multiple cases against the "Big-3" automakers, including GM.

4. P. Graham Maiden, *Motley Rice LLC* (Ex. B-10)

P. Graham Maiden's practice is wide ranging and includes mass torts, product liability, anti-terrorism, occupational disease, sexual assault, catastrophic injury and medical drugs and devices. He currently represents both individual personal injury clients as well as public school districts in MDL No. 3047 *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*. Graham is also actively involved in MDL 3060 *In re: Hair Relaxer Marketing Sales Practices and Products Liability Litigation*. Graham also recently helped best position Motley Rice's clients who suffered damages due to the Norfolk Southern train derailment in

East Palestine, Ohio. Additionally, Graham worked on the team consulting with South African human rights lawyer Richard Spoor in his efforts to seek justice for exploited gold mine workers suffering from silicosis. Graham has contributed behind the scenes on several other high-stakes cases during his 12+ years at Motley Rice. He would provide a fresh and versatile perspective to this MDL's leadership on behalf of a very deep law firm.

5. Adam E. Polk, *Girard Sharp LLP* (Ex. B-11)

Adam E. Polk largely dedicates his practice to representing consumers who suffered privacy invasions. As set out in the accompanying firm resume, Mr. Polk leads, and has successfully led, numerous cases presenting similar factual and legal issues to this one. *See, e.g., In re Accellion Data Breach Litig.*, No. 21-cv-1155-EJD (N.D. Cal.) (litigation arising out of the breach of a file transfer software impacting millions of Americans nationwide); *In re Planned Parenthood Los Angeles Data Incident Litig.*, No. 21STCV44106 (Cal. Super. Ct., L.A. County) (litigation on behalf of current and former Planned Parenthood patients whose sensitive personal information was exposed to unauthorized third parties). In addition, Mr. Polk and the Girard Sharp attorneys assigned to this case have focused their practice on representing individuals who allege they were impacted by defendants who used various technologies to track their online behavior. *See, e.g., Stark v. Patreon, Inc.*, No. 3:22-cv-03131-JCS (N.D. Cal.); *Jackson v.*

Fandom, Inc., No. 4:22-cv-04423-JST-TSH (N.D. Cal.); *Markels v. AARP*, No. 4:22-cv-05499-YGR (N.D. Cal.).

6. John A. Yanchunis, *Morgan & Morgan Complex Litigation Group* (Ex. B-12)

John Yanchunis leads Morgan & Morgan's class action group. Morgan & Morgan is America's largest injury law firm with over 1,000 lawyers, including in offices in Atlanta. Mr. Yanchunis' extensive and successful practice in privacy class litigation began in 1999 with the filing of *In re Doubleclick Inc. Privacy Litigation*, 154 F. Supp. 2d 497 (S.D.N.Y. 2001). Recently, and along with his co-leads, he secured a contested certification in perhaps the largest data privacy cases ever filed, *Brown. v. Google, LLC*, No. 20-cv-03664 (N.D. Cal.). The case was settled weeks before the commencement of trial. In another data privacy case, *Rodriquez v. Google, LLC*, No. 20-cv-04688 (N.D. Cal.), he, along with his co-leads, obtained a contested certified class under Rule 23(b)(3). The case will be tried in 2025. Mr. Yanchunis has the time and resources to serve as counsel if selected by the Court.

E. Proposed LNRS/Verisk Track Steering Committee.

1. Gayle M. Blatt, *Casey Gerry* (Ex. B-13)

Gayle M. Blatt serves as head of Casey Gerry's complex litigation practice. Her experience in data breach/privacy cases includes leadership roles in cases such as *In re: Yahoo! Inc Customer Data Security Breach Litigation*, 16-MD-02752 (N.D. Cal.); *In re: Sony Gaming Networks and Customer Data Security Breach Litigation*,

11-md-02258-AJB (S.D. Cal.); *In re: Netgain Technology, LLC Consumer Data Breach Litigation*, 21-cv-1210-SRN-LIB (D. Minn.); *DeSue v. 20/20 Eye Care Network Data Breach*, 21-cv-61275-RAR (S.D. Fla.); *In re: US Fertility, LLC Data Security Litigation*, 8:21-cv-00299 (D. Md.); *Pfeiffer et al v. RadNet, Inc.*, 2:20-cv-09553-RGK-SK (C.D. Cal.); *In re: 23andMe Customer Data Security Breach Litigation*, 23-cv-05147-EMC (N.D. Cal.); *James v. Davaco, Inc. et al.*, 3:21-cv-02318-M (N.D. Tex.); and *In re: Citrix Data Breach Litigation*, 19-cv-61350-RKA (S.D. Fla.), among others. She also serves as appointed leadership in automotive litigation cases such as *Cilluffo v. Subaru of America, Inc. et al.*, 23-cv-01897-RBK-MJS (D. N.J.); *Burgos v. American Honda Motor Company*, 2:23-cv-02128-AB-SK (C.D. Cal.); and *In re: ZF- TRW Airbag Control Units Products Liability Litigation*, MDL No. 2905 (C.D. Cal). Casey Gerry was founded in 1947, and currently has eighteen attorneys, and a full complement of staff. The firm has the financial resources to prosecute prolonged class action cases and self-funds all of its litigation.

2. Stuart A. Davidson, RGRD (Ex. B-14)

Stuart Davidson is a Partner at RGRD, the largest class action firm in the world, with approximately 200 lawyers in ten offices throughout the country. Over the last 20 years, Mr. Davidson has dedicated his professional life to representing consumers in complex class actions, including privacy and antitrust cases, received numerous awards for his work, and is a frequent speaker at conferences concerning

class action practice. His cases have recovered over \$1.5 billion for aggrieved class members, including: *In re Facebook Biometric Info. Privacy Litig.*, No. 3:15-cv-03747-JD (N.D. Cal.) (Class Counsel; \$650 million recovery, the then-largest ever privacy class action recovery); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 5:16-md-02752-LHK (N.D. Cal.) (Class Counsel; \$117.5 million recovery); and *In re EpiPen Mktg., Sales Practices & Antitrust Litig.*, No. 2:17-md-02785-DDC-TJJ (D. Kan.) (Class Counsel; \$609 million recovery in certified class action alleging antitrust claims involving delay of generic EpiPen).

3. Jennifer M. French, *Lynch Carpenter, LLP* (Ex. B-15)

Jenn French is a partner at the national class action firm Lynch Carpenter, LLP and works in the firm's San Diego office. Ms. French is experienced in data privacy litigation, having secured a \$10 million settlement for patients in a data privacy class action, *Jones v. Sharp Healthcare, et al.*, Case No. 37-2017-00001377-CU-NP-CTL (San Diego Cnty. Super. Ct., Sept. 29, 2023). Ms. French will also benefit from the advice and support of other members of the Lynch Carpenter team, who have extensive experience in data breach and privacy litigation. As set forth in more detail in Lynch Carpenter's firm resume, the firm has been at the forefront of data breach and privacy litigation and has generated seminal legal authority in both trial and appellate courts on data privacy issues.

4. Gary S. Graifman, KGG (Ex. B-16)

Mr. Graifman is a senior partner with the firm of Kantrowitz Goldhamer & Graifman, P.C. (“KGG”) and co-chair of the firm’s national Consumer Class Action Litigation Group. Mr. Graifman has litigated and successfully settled complex class actions involving data breach violations and product defects, particularly vehicle defect cases over his decades of practice in the area of class action consumer law. Many of his auto defect decisions are commonly cited in decisions and briefing concerning that area including *In re Volkswagen Timing Chain Products Liability Class Action*, 16-cv-2765 (JLL) (D.N.J.) (Mr. Graifman served as Co-Lead Counsel; the case was settled on a nationwide basis on behalf of the owners and lessees of approximately 477,000 class vehicles.). Mr. Graifman was also appointed to the five person steering committee by this Court in *In re Home Depot Consumer Data Security Breach Litig.*, 1:14-MD-02583-TWT (N.D.Ga.), a case plaintiffs settled successfully within two years of its commencement. Mr. Graifman and his co-counsel filed the second action directly in this District, *Figlio, et al. v. General Motors LLC, et al.*, 1:24-cv-01669, and successfully filed and argued before the JPML for all related actions to be transferred to the Northern District of Georgia.

5. Jeffrey M. Ostrow, Kopelowitz Ostrow P.A. (Ex. B-17)

Jeff Ostrow has been practicing for 27 years and is the Managing Partner of Kopelowitz Ostrow P.A., a South Florida-based firm he founded with 25 attorneys.

Mr. Ostrow heads the class action department and maintains a full caseload of class action cases. He has successfully litigated and settled cases resulting in the recovery of well over a billion dollars, while making monumental practice changes across a variety of industries. He presently oversees over 150 privacy cases, including MDL No. 3090, *Fortra File Transfer Software Data Breach Litig.*, No. 24-md-3090 (S.D. Fla.) (6 million people); *Crowe v. Managed Care of N. Am., Inc.*, No. 23-cv-61065 (S.D. Fla.) (9 million people); *In re Zeroed-In Techs., LLC Data Breach Litig.*, No. 1:23-cv-03284 (D. Md.); and *Harrell v. Webtpa Emp'r Servs. LLC*, No. 3:24-cv-01158 (N.D. Tex.). Mr. Ostrow will leverage the firm's experience and resources to assist Lead Counsel in this litigation.

6. Chris Springer, Keller Rohrbach LLP (Ex. B-18)

Christopher Springer has considerable experience in the field of data breach and data privacy litigation, as well as other large-scale and multidistrict complex class action litigation. For instance, in *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, MDL No. 2843 (N.D. Cal.), Mr. Springer helped Facebook users whose data was wrongfully shared with third parties to achieve a \$725 million settlement—the largest recovery ever achieved in a data privacy class action. Mr. Springer has also helped resolve numerous other data privacy cases, including *In Re: T-Mobile Customer Data Security Breach Litigation*, MDL No. 3019 (W.D. Mo.) (the second-largest data breach settlement in history) and *In Re: 21st Century*

Oncology Customer Data Security Breach Litigation, MDL No. 2737 (M.D. Fla.), and is actively involved in other ongoing data privacy matters, including *In Re: 23andMe Customer Data Security Breach Litigation*, MDL No. 3098 (N.D. Cal.) and *In Re: T-Mobile 2022 Customer Data Security Breach Litigation*, MDL No. 3073 (W.D. Mo.).

F. Plaintiffs' Liaison Counsel

1. M. Brandon Smith, Childers, Schlueter & Smith, LLC (Ex. B-19)

M. Brandon Smith is a partner with the Atlanta-based firm of Childers, Schlueter & Smith, LLC, where his practice is devoted to pharmaceutical litigation, mass torts, product liability, and serious personal injury. Mr. Smith and his firm filed the first Georgia action directly in this District, *Bruce Mason v. General Motors, LLC* (1:24-cv-1558), which has now been consolidated in this MDL. Born and raised in Georgia, Brandon received his Law degree and Bachelor of Arts degree from the University of Georgia. Following law school, Mr. Smith was an assistant district attorney in the Alcovy Circuit (Newton County), where he gained valuable trial experience and a desire to help individuals harmed by the careless actions of others. Mr. Smith and the Firm of Childers, Schlueter & Smith are committed to investing as much time and effort as is necessary to successfully complete this litigation.

V. The Bevis-Siegel Group Collectively Has the Relationships Needed to Most Effectively and Efficiently Handle this MDL.

The proven history of the Bevis-Siegel Group working together successfully with each other in numerous major data privacy cases weighs heavily in favor of appointing the group, in its entirety, to lead this litigation. *See generally* Duke Standards, Best Practice § 4C(iii) (“The transferee judge may take into account whether counsel applying for leadership roles have worked together in other cases, their ability to collaborate in the past, divide work, avoid duplication, and manage costs.”); *see also* Manual for Complex Litigation § 21.271 (noting “other factors that bear on the attorney’s ability to represent the class fairly and adequately”). By way of example, Mr. Siegel has worked with nearly every member of the proposed Bevis-Siegel Group in other large MDLs that have successfully been resolved in courts throughout the country. Similarly, Mr. Bevis brings a familiarity with many members of the Group from cases litigated in the Northern District of Georgia and elsewhere. Likewise, the attorneys designated as Track Co-Leads have years-long experience working with both the MDL Co-Leads and members of the Plaintiffs’ Steering Committees. Thus, while the Group commits to working with any plaintiffs’ counsel appointed to assist in the efficient prosecution of this case, adding or subtracting lawyers from the proposed slate could well disrupt the synergy within the Group and create the potential for inefficiency due to the time needed to adjust

to such changes. *See In re: Syngenta AG MIR162 Corn Litig.*, No. 14-MD-2591, 2015 WL 13679782, at *2 (D. Kan. Feb. 13, 2015).

The Group's lawyers also have productive working relationships with the lawyers at King & Spalding defending GM, as a result of having litigated with them in dozens of individual and class action cases going back decades—relationships that have helped resolve multiple data breach class actions, including *Home Depot*, *Capital One*, and *Equifax*. *See generally* Duke Standards, Best Practice § 4C(ii) (“The transferee judge should be mindful of the importance of harmony among the leadership team, and between the leadership team and both the court and opposing counsel.”). In a like vein, the Group is very experienced with the law firms representing Defendants Verisk and Lexis/Nexis and are off to a cordial and productive start to the litigation with all lead counsel for the Defendants.

In short, because of their success working with each other in myriad similar cases, their longstanding relationships and experience with Defendants' counsel, and the professional manner in which they have conducted themselves in many cases in this District, this Court has assurance that the Bevis-Siegel Group will pursue the litigation zealously, efficiently, effectively, in a collegial manner, and consistent with the Court's expectations and standards.

CONCLUSION

For the foregoing reasons, the Bevis-Siegel Group respectfully requests that the Court appoint its entire slate to lead this action.

Date: July 19, 2024

Respectfully submitted,

/s/ John R. Bevis

John R. Bevis

THE BARNES LAW GROUP, LLC

31 Atlanta Street

Marietta, Georgia 30060

Tel: (770) 227-6375

bevis@barneslawgroup.com

/s/ Norman E. Siegel

Norman E. Siegel, MO Bar No. 44378

STUEVE SIEGEL HANSON LLP

460 Nichols Road, Suite 200

Kansas City, Missouri 64112

Tel: (816) 714-7100

siegel@stuevesiegel.com

Proposed MDL Co-Lead Counsel

Bryan L. Clobes, PA Bar No. 68151

CAFFERTY CLOBES

**MERIWETHER & SPRENGEL
LLP**

135 S. LaSalle St., Suite 3210

Chicago, Illinois 60603

Tel: (312) 782-4880

bclobes@caffertyclobes.com

Amy E. Keller

DICELLO LEVITT LLP

Ten North Dearborn Street

Ste Sixth Floor

Chicago, Illinois 60602

Tel: (312) 214-7900

akeller@dlcfirm.com

Proposed OnStar Track Co-Lead Counsel

Joseph P. Guglielmo

**SCOTT+SCOTT ATTORNEYS AT
LAW LLP**

230 Park Avenue, 17th Floor

New York, New York 10169

Tel: (212) 223-4478

jguglielmo@scott-scott.com

Sabita J. Soneji

TYCKO & ZAVAREEI LLP

1970 Broadway, Suite 1070

Oakland, California 94612

Tel: (510) 254-6808

ssoneji@tzlegal.com

Proposed LNRS/Verisk Track Co-Lead Counsel

Kiley L. Grombacher, CA Bar No. 245960
BRADLEY/GROMBACHER LLP
31365 Oak Crest Drive, Suite 240
Westlake Village, California 91361
Tel: (805) 270-7100
Kgrombacher@bradleygrombacher.com

Emily E. Hughes, MI Bar No. P68724
THE MILLER LAW FIRM, P.C.
950 W. University Dr., Suite 300
Rochester, Michigan 48307
Tel: (248) 841-2200
eeh@millerlawpc.com

P. Graham Maiden
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
Tel: (843) 216-9670
gmaiden@motleyrice.com

Thomas E. Loeser
COTCHETT, PITRE & MCCARTHY LLP
999 N. Northlake Way, Suite 215
Seattle, WA 98103
Tel: (206) 802-1272
tloeser@cpmlegal.com

Adam E. Polk, CA Bar No. 273000
GIRARD SHARP LLP
601 California St., Suite 1400
San Fransisco, California 94108
Tel: (415) 981-4800
apolk@girardsharp.com

John A. Yanchunis, Fla. Bar No. 324681
MORGAN & MORGAN COMPLEX LITIGATION GROUP
201 North Franklin Street, 7th Floor
Tampa, Florida 33602
Tel: (813) 223-5505
jyanchunis@forthepeople.com

Proposed OnStar Track Steering Committee

Gayle M. Blatt
CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD, LLP
110 Laurel Street
San Diego, California 92101
Tel: (619) 238-1811
gmb@cglaw.com

Stuart A. Davidson, Fla. Bar No. 0084824
ROBBINS GELLER RUDMAN & DOWD LLP
225 NE Mizner Blvd., Suite 720
Boca Raton, Florida 33432
Tel: (561) 750-3000
sdavidson@rgrdlaw.com

Jennifer M. French
LYNCH CARPENTER, LLP
1234 Camino Del Mar
Del Mar, California 92014
Tel: (619) 762-1903
jennf@lcllp.com

Gary S. Graifman
**KANTROWITZ, GOLDHAMER &
GRAIFMAN, P.C.**
135 Chestnut Ridge Rd., Suite 200
Montvale, New Jersey 07645
Tel: (201) 391-7000
ggraifman@kgglaw.com

Jeff Ostrow
KOPELOWITZ OSTROW P.A.
One West Las Olas Blvd., Suite 500
Fort Lauderdale, Florida 33301
Tel: (954) 332-4200
ostrow@kolawyers.com

Chris Springer, CA Bar No. 291180
KELLER ROHRBACK LLP
801 Garden Street, Suite 301
Santa Barbara, California 93101
Tel: (805) 456-1496
cspringer@kellerrohrback.com

Proposed LNRS/Verisk Track Steering Committee

M. Brandon Smith, GA Bar No. 141418
CHILDERS, SCHLUETER & SMITH LLC
1932 N. Druid Hills Road, Suite 100
Atlanta, Georgia 30319
Tel: (404) 419-9500
bsmith@cssfirm.com

Proposed Plaintiffs' Liaison Counsel